

THE CALIFORNIA STATE UNIVERSITY  
OFFICE OF THE CHANCELLOR

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December 19, 2005

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EAST BAY

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

FRESNO

FULLERTON

HUMBOLDT

ATTN: RM 10865

LONG BEACH

Dear Ms. Dortch:

LOS ANGELES

MARITIME ACADEMY

Please find enclosed the California State University's reply comments in the matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services CALEA, ET Docket No 04-295.

MONTEREY BAY

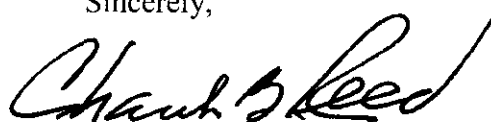
NORTHRIDGE

With kind regards,

POMONA

Sincerely,

SACRAMENTO



SAN BERNARDINO

Charles B. Reed  
Chancellor

SAN DIEGO

SAN FRANCISCO

CBR:pmc

SAN JOSÉ

Enclosure

SAN LUIS OBISPO

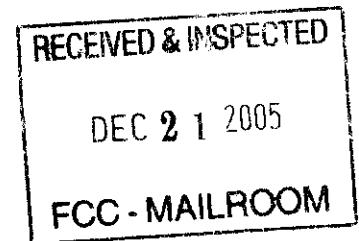
SAN MARCOS

SONOMA

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**



**In the Matter of**

**Communications Assistance for Law  
Enforcement Act and Broadband Access and  
Services**

**ET Docket No. 04-295**

**RM-10865**

**REPLY COMMENTS OF  
THE 23 CAMPUSES OF THE CALIFORNIA STATE UNIVERSITY AND  
THE SYSTEMWIDE OFFICE OF THE CHANCELLOR**

I, Chancellor Charles B. Reed, on behalf of the California State University system (CSU), respectfully submit these reply comments in response to the Further Notice of Proposed Rulemaking adopted in the above-captioned docket.<sup>1</sup> The CSU supports the comments filed by the Higher Education Coalition and submits this reply to amplify several points based on its own experience and circumstances.

The California State University is the largest system of four-year higher education in the country. It consists of 23 individual campuses and the Office of the Chancellor. It serves over 405,000 students with 21,000 faculty and offers more than 1800 bachelor's and master's programs in some 240 subjects. The CSU educates approximately 70% of California's K-12 teachers (and almost 10% of the nation's) and a significant portion of the state's mid-level and higher managers. The California State University serves as a portal to the middle class for many under-represented and under-served minority students in California and our students are frequently the first in their families to pursue higher education.

The California State University supports the goals of the commission to ensure that court-ordered electronic surveillance meets the reasonable needs of law enforcement. However, there is not a reasonable need to subject educational institutions or the private networks that interconnect them to CALEA's regulatory framework. The CSU already meets in substance the needs of law enforcement and the costs of compliance would seriously hinder the teaching, research, and public service mission of the university.

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<sup>1</sup> *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, FCC 05-153 (rel. Sept. 23, 2005) ("Order").

The California State University's major areas of concern are the following:

- The uncertain administrative, financial and technical expenditures will exacerbate the many burdens that currently challenge the university system's ability to provide higher education to state of California at a reasonable cost. The actual technological compliance with CALEA appears to be significant in requiring both physical infrastructure upgrades and additional technical staff who will need to be trained. Even estimating the cost of compliance is difficult since the scope of compliance and the necessary technological requirements are unclear.
- The California State University and the provider of its broadband inter-campus network, CENIC (The Corporation for Education Network Initiatives in California) are capable of providing appropriate information to law enforcement when properly served but, to the best of our recollection, the university has rarely if ever been asked to provide wiretap related data to law enforcement. Therefore, there is *no compelling government interest in requiring this specific surveillance technique and the costs to implement it go way beyond the expected benefit to be gained based on past practice*. In fact, CALEA specifically exempts private networks and information services.

In summary, it is the considered opinion of the California State University system that its past experience with law enforcement surveillance requests demonstrates that existing procedures are more than adequate to ensure prompt compliance with any lawful surveillance request by a law enforcement agency.

In addition, applying CALEA to the California State University's broadband network would exacerbate the financial burdens already facing higher education. Such requirements would impose significant costs that would further impede the system's ability to deliver on its core responsibilities of providing affordable, accessible educational opportunities to the state of California.

The California State University respectfully requests that the Commission clarify that private networks operated by higher education and research institutions are not subject to CALEA, or alternatively grant an exemption under Section 102(8)(C)(ii) of CALEA.

12/19/05  
Date

Charles B. Reed  
Charles B. Reed  
Chancellor  
The California State University